

CITY OF NILES
REGULAR CITY COUNCIL MEETING
MONDAY, June 8, 2015, 6:00PM

The meeting was called to order by Mayor Michael McCauslin in the City Council Chambers, 1345 East Main Street, at 6:00 p.m. The Pledge of Allegiance was led by Mayor Michael McCauslin.

PRESENT: Gretchen Bertschy, Georgia Boggs, Scott Clark, Robert Durm, David Mann, Tim Skalla, Daniel VandenHeede, William Weimer, Mayor Michael McCauslin

ABSENT: None

STAFF: Casperson, Huff, Lamb, Landgraf, Millin, Ray, Wise

MEDIA: Niles Daily Star

AUDIENCE: 10

CITIZEN PARTICIPATION: None

CONSENT AGENDA:

1. Approval of the Minutes of May 18, 2015.
2. Approval of the Bills.
3. Consideration of approving a request from the Niles Art Association to display art books on the fence at Main & Front Streets in front of the Riverfront Plaza Shopping Center from July 20 thru August 3, 2015.
4. Consideration of approving a request from EAA Chapter 865, Inc. to use a portion of the Jerry Tyler Memorial Airport property to hold the 29th Annual Fly-In Breakfast beginning at 10:00 a.m. on Sunday, June 28, 2015.
5. Consideration of approving the emergency repair of the hydraulic lift cylinders on the Tower Ladder Fire Truck by West Shore Fire, Inc. of Allendale, MI at a cost of \$3,488.50
6. Consideration of approving a request to renew the City's membership with the Michigan Municipal League, including the Legal Defense fund dues, at a cost of \$6,051.00 for the period of July 1, 2015 through June 30, 2016.
Council Member Mann moved, Council Member Weimer seconded, **MOTION CARRIED**, to approve Items 1-6 as submitted.
ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** None **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

7. Consideration of adopting resolutions to establish the City millage rates and administrative fee to be levied on the 2015 tax rolls as follows:
 - A. Establish the City millage rate for the 2015 tax year;
 - B. Establish the City millage rates for the 2015 tax year as prescribed by Act 5, Public Acts of Michigan 1982, and;
 - C. Establish the 1% administrative fee for the 2015 tax year.

Council Member Weimer offered the following resolution and moved for its adoption, supported by Council Member Bertschy.

CITY OF NILES MILLAGE RATES

RESOLUTION 2015-06/1959

A. Establish the City Millage Rate for the 2015/16 Tax Year

WHEREAS, the City of Niles has previously imposed various property taxes on properties in the City; and

WHEREAS, the voters of the City of Niles approved a property tax not to exceed one-half of a mill to support the Dial-A-Ride bus system;

and

WHEREAS, the City incurs various costs in assessing property values, collecting property taxes and performing the review and appeal processes for non-City taxing entities.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles does hereby establish the following property tax millage rates for the 2015/16 tax year:

General Operating Fund	14.1334
Dial-A-Ride Operating Fund	<u>.5000</u>
TOTAL MILLAGE RATE	14.6334

BE IT FURTHER RESOLVED that the City Treasurer is authorized to impose and collect a one percent (1%) property tax administration fee on all taxes collected; and

BE IT FURTHER RESOLVED that the City Treasurer is authorized to impose and collect a four percent (4%) late payment fee upon those taxes not paid by the due date.

B. Establish the City Millage Rates for the 2015/16 Tax Year as Prescribed by Act 5, Public Acts of Michigan 1982.

WHEREAS, Act 5, Public Acts of Michigan, 1982, provides that with the levy of ad valorem property taxes for operating purposes for the ensuing fiscal year which yields an amount more than the sum of the taxes levied at the base tax rate on additions within the City for the ensuing fiscal year plus an amount equal to the taxes levied for operating purposes for the concluding fiscal year on existing property; and

WHEREAS, said Act 5 provides that the City of Niles may approve the levy of additional millage rates, within its present authorized of proposed millage rates, only after providing certain notice to the public and holding a public hearing for the purpose of receiving testimony and discussing the levy of additional millage rates for the ensuing fiscal year; and

WHEREAS, the City of Niles has been advised by the County Equalization director that the state taxable valuation for the 2015/16 tax year of property located within the City of Niles is \$193,881,286 in Berrien County, and \$364,266 in Cass County; and

WHEREAS, Act 5, based upon the state taxable valuation of the City of Niles would limit the district's operating tax levies to General, 14.1334; and

WHEREAS, the City of Niles, after careful examination of its estimated operating expenses for the 2015/2016 fiscal year and estimated revenues based on the state taxable valuation, has determined that the best interest of the City requires the levy of the additional millage rates of: General .0000 mills and Dial-A-Ride, .0000 mills

NOW, THEREFORE, BE IT RESOLVED that:

1. The City of Niles, pursuant to said Act 5, proposed a tentative levy of not to exceed 14.1334 mills for operating purposes which includes an additional millage rate of .0000 mills and .5000 mills for Dial-A-Ride which includes an additional millage rate of .0000.
2. A public hearing shall be scheduled for the purpose of receiving testimony and discussing the levy of an additional millage rate for 2015/2016 fiscal year.

C. Establish the 1% Administrative Fee for the 2015/16 Tax Year

WHEREAS, the City of Niles incurs various costs in performing assessing property values, collection of property tax levies, operations of the review and appeal processes; and

WHEREAS, the City is allowed by State law to levy the administration fee; and

WHEREAS, the revenue from the levy of the administration fee will be deposited into the General Fund.

NOW, THEREFORE BE IT RESOLVED that the City of Niles does hereby establish the one percent (1%) Administration Fee to be levied on the tax roll on all taxes collected in 2015/16 tax year.

ROLL CALL: Ayes: Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Robert Durm, David Mann, William Weimer, Scott Clark, Timothy Skalla

Nays: None Absent: None Abstain: None

RESOLUTION 2015-06/1959 DECLARED ADOPTED.

8. Consideration of adopting a resolution to approve an addendum to the Mutual Aid Box Alarm System (MABAS) Agreement and consideration of authorizing the mayor to sign the agreement and associated documents.

MUTUAL AID BOX ALARM SYSTEM (MABAS)

RESOLUTION #2015-06/1960

Council Member Mann offered the following resolution and moved for its adoption seconded by Council Member Bertschy.

RESOLVED BY: City Council, City of Niles, Michigan

WHEREAS, City of Niles has the power, privilege and authority to maintain and operate a fire department providing fire protection, fire suppression, emergency medical services, technical rescue, hazardous incident response, and other emergency response services ("Fire Services"); and

WHEREAS, Fire Services can further be improved by cooperation between political subdivisions during times of public emergency, conflagration or disaster ("Incidents"); and

WHEREAS, the Michigan Constitution of 1963, Article 7, §28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501 et seq., (the "Act"), permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common and which each might exercise separately; and

WHEREAS, this political jurisdiction desires to approve an addendum to the Agreement, pursuant to the Act, to further improve Fire Services; and

WHEREAS, the Mutual Aid Box Alarm System (MABAS), is a mechanism which may be used for deploying personnel and equipment in a multi-jurisdictional or multi-agency emergency mutual aid response; and

WHEREAS, as a result of entering into an inter-local agreement to further improve Fire Services; and

WHEREAS, the City of Niles, has the authority to execute this Agreement pursuant to resolution of its governing body; and

WHEREAS, the City of Niles desires to commit personnel and equipment to another Party if deemed reasonable upon the request of another Party; and

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Niles, Michigan finds it is the best interest of its citizens from a safety and fiscal standpoint to adopt the First Addendum to their existing Michigan Mutual Aid Box Alarm System Agreement.

ROLL CALL: **ROLL CALL:** **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION 2015-06/1960 DECLARED ADOPTED.

9. Consideration of approving entering into a contract with New Avenues Midwest Behavioral Health Network of South Bend, IN to provide an Employee Assistance Program for the period of June 1, 2015 through May 31, 2016 and consideration of authorizing the mayor to sign the contract.
Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve entering into a contract with New Avenues Midwest Behavioral Health Network of South Bend, IN to provide an Employee Assistance Program for the period of June 1, 2015 through May 31, 2016 and consideration of authorizing the mayor to sign the contract.
ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** None **ABSTAIN:** None

10. Consideration of approving the Final Interstate Mutual Aid Agreement between Clay Fire Territory and the Niles Fire Department and consideration of authorizing the mayor to sign the agreement.
Council Member Mann moved, **Council Member Bertschy** seconded, **MOTION CARRIED**, to approve the Final Interstate Mutual Aid Agreement between Clay Fire Territory and the Niles Fire Department and consideration of authorizing the mayor to sign the agreement.
ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** None **ABSTAIN:** None

11. Consideration of adopting a Medical Certification Policy for Niles Dial A Ride Transportation (DART).
Council Member Bertschy moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to adopt a Medical Certification Policy for Niles Dial A Ride Transportation (DART).
ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** None **ABSTAIN:** None

12. Consideration of entering into a 30-year site agreement with Sprint Spectrum Realty of Overland Park, KS for the payment of \$1,000.00 per month to the Water Division in return for the installation of an antenna ring on the Cherry Street Water Tower in addition to the installation of a shed and site improvements and consideration of authorizing the mayor to sign the site agreement.
Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve entering into a 30-year site agreement with Sprint Spectrum Realty of Overland Park, KS for the payment of \$1,000.00 per month to the Water Division in return for the installation of an antenna ring on the Cherry Street Water Tower in addition to the installation of a shed and site improvements and consideration of authorizing the mayor to sign the site agreement.
ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** None **ABSTAIN:** None

13. Consideration of authorizing the emergency repair to the Carnegie Library exterior stairway by Ross Masonry, Inc. of Mishawaka, IN at a cost of \$18,000.00 and consideration of approving a budget amendment in the amount of \$18,000.00 to the City's General Fund Building Maintenance Fund.
Council Member Skalla moved, **Council Member Clark** seconded, **MOTION CARRIED**, to authorize the emergency repair to the Carnegie Library exterior stairway by Ross Masonry, Inc. of Mishawaka, IN at a cost of \$18,000.00 and consideration of approving a budget amendment in the amount of \$18,000.00 to the City's General Fund Building Maintenance Fund.
ROLL CALL: **AYES:** Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** None **ABSTAIN:** None

- 13A. Consideration of approving the appointment Bill Spromberg and John Dobberteen as temporary mechanical and/or plumbing inspectors for the City of Niles with all the powers and duties vested in Ed Wainwright by and through the State Construction Code as administered and enforced by the City of Niles.

**RESOLUTION REGARDING MECHANICAL and/or PLUMBING INSPECTOR
RESOLUTION NO. 2015-06/1961**

WHEREAS, the City of Niles is the administering and enforcing agency for the building code provisions of the State Construction Code, State Plumbing Act, the Forbes Mechanical Contractors Act, and provides a local mechanical and/or plumbing inspector in accordance with the Michigan Department of Licensing and Regulatory Affairs' Construction Code division's "Statewide Jurisdiction List" and the BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT, STATE PLUMBING ACT and the FORBES MECHANICAL CONTRACTORS ACT; and

WHEREAS, the local mechanical and/or plumbing inspector is responsible for issuing mechanical and/or plumbing permits, conducting inspections and plan review and enforcing the building code provisions of the STATE CONSTRUCTION CODE, STATE PLUMBING ACT AND THE FORBES MECHANICAL COONTRACTORS ACT; and

WHEREAS, the Niles City Council has determined that ED WAINWRIGHT is capable of providing said mechanical and/or plumbing services for the City of Niles and appointed him as mechanical and/or plumbing inspector for the City of Niles; and

WHEREAS, ED WAINWRIGHT is temporarily physically unable to perform the duties of mechanical and/or plumbing inspector for the City of Niles; and

WHEREAS, in conjunction with its continuing administration and enforcement responsibilities under the State Construction Code, the State Plumbing Act and the Forbes Mechanical Contractors Act the Niles City Council has deemed it appropriate to name qualified individuals to temporarily serve the City of Niles as mechanical and/or plumbing inspector during WAINWRIGHT's temporary physical incapacity.

NOW THEREFORE IT IS HEREBY RESOLVED as follows:

1. The Niles City Council finds that both BILL SPROMBERG and JOHN DOBBERTEEN are qualified mechanical and/or plumbing inspectors, registered with the State of Michigan in accordance with the BUILDING OFFICIAL AND INSPECTORS REGISTRATION ACT (P.A. 54 OF 1986), both serving in the capacity of mechanical and or plumbing inspector for other local municipal entities in the State of Michigan.
2. The Niles City Council hereby appoints BILL SPROMBERG and JOHN DOBBERTEEN as temporary mechanical and/or plumbing inspectors for the City of Niles, with all of the powers and duties vested in WAINWRIGHT by and through the STATE CONSTRUCTION CODE as administered and enforced by the City of Niles.

This RESOLUTION was offered by Council member **Weimer**, supported by Council member **Mann** at a meeting on June 8, 2015. The members of the Niles City Council voted as follows:

ROLL CALL: Ayes: Georgia Boggs, Gretchen Bertschy, Daniel VandenHeede, Robert Durm, David Mann, William Weimer, Scott Clark, Timothy Skalla

Nays: None Absent: None Abstain: None

RESOLUTION 2015-06/1961 DECLARED ADOPTED.

APPOINTMENT TO BOARDS:

14. Consideration of approving the appointment of Diane Smuda to a four-year term on the Niles District Library Board, effective immediately and ending on December 31, 2018.

Council Member Durm moved, Council Member Weimer seconded, **MOTION CARRIED**, appointment of Diane Smuda to a four-year term on the Niles District Library Board, effective immediately and ending on December 31, 2018.

CITY ATTORNEY'S REPORT: No Report

COUNCIL MEMBER'S REPORT:

Council Member Boggs announced that she has arranged a bus trip to Lansing Tuesday, June 17 to lobby legislators to re-open the Department of Human Services office at the South County Building in Niles. The cost for the trip is \$35.

Council Member Mann announced his candidacy for the mayoral race in 2016.

Council Member Bertschy thanked Council Member Boggs for her determination to get service back in Niles. Memorial Day parade went well.

Council Member VandenHeede also thanked Council Member Boggs. Bluegrass Festival went well. Car Show on Wednesday at the Riverfront Park was successful.

MAYOR'S REPORT: Mentioned that Hayley Bondi, GIS intern, will be leaving the City of Niles to take a position in Ohio. The City of Niles wishes her well.

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:21pm.

Linda Casperson, Niles City Clerk

Date